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August 31, 2021

The Honorable Maryellen Noreika  
United States District Court  
844 N. King Street  
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *Bear Box LLC, et al. v. Lancium LLC, et al.*,  
C.A. No. 21-534-MN

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Dear Judge Noreika:

I write on behalf of the parties in connection with Paragraph 8 the Scheduling Order (D.I. 35) regarding the need for a claim construction hearing in this matter. Plaintiffs have not yet made a determination regarding a need for a claim construction hearing, but anticipate any request for a claim construction hearing will be made prior to October 15, 2021 in view of the current progress of fact discovery (including contention discovery).<sup>1</sup> Defendants do not believe claim construction will be needed, and Defendants oppose Plaintiffs' attempt to extend the deadline in Paragraph 8 of the Scheduling Order until October 15, 2021.

Should the Court have any questions, counsel are available at the Court's convenience.

Respectfully,

*Andrew C. Mayo*

Andrew C. Mayo (#5702)

ACM/nlm

cc: All Counsel of Record (via electronic mail)

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<sup>1</sup> The parties are continuing to exchange contention discovery that Plaintiffs believe may bear on whether claim construction is needed. The Plaintiffs anticipate completing this contention discovery without the need for motion practice before Magistrate Judge Burke. Although Defendants declined to stipulate to extend this deadline, Plaintiffs will not burden the Court with a formal motion at this time. Instead, Plaintiffs will seek a claim construction hearing only if necessary after completing additional contention discovery.